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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Mark Ryan

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EXAMINER

BAROT, BHARAT

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/766,295

Applicant(s)

RYAN ET AL.

Examiner

Bharat N. Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-34 and 64-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-34 and 64-66 is/are allowed.
- 6) ☒ Claim(s) 67-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/07/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

### **RESPONSE TO AMENDMENT**

1. This action is responsive to the amendment filed on March 02, 2006. Amended claims 23-34 and new claims 63-77 are pending and remain for further examination.

### **Drawings**

2. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### **Claim Objections**

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 65-78 been renumbered as claims 64-77 and further treated in the merits with renumbered claims 64-77. Appropriate corrections are required.

### **Allowable Subject Matter**

4. Applicant's arguments with respect to claims 23-34 filed on March 02, 2006 have been fully considered but they are deemed to be persuasive for the claims 23-34 and 64-66. Claims 23-34 and 64-66 are allowable over the prior art of record. The examiner

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has found that the prior art of record does not teach or suggest or render obvious a specific combination of a system and method for providing weather inform to a consumer over the Internet, comprising: planning information for the geographical regions containing data on at least one activity for multiple geographical regions; mixed weather planning data associated with the data on each activity for each of the multiple regions, the mixed weather planning data providing a rating of each activity for each geographical region based on a plurality of factors, at least one factor related to the weather data for that geographical region, wherein the rating can be used by consumers in evaluating the activities at the multiple geographical regions and also ranking the activities between the geographical regions based on the weather at set forth in the specification and recited in the independent claims.

#### **The new grounds of rejection**

5. Applicant's arguments with respect to new claims 67-77 filed on March 02, 2006 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

#### **Claim Rejections - 35 USC § 102**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 67-77 are rejected under 35 U.S.C. 102(e) as being anticipated by Zereski, Jr. et al (U.S. Patent No. 5,654,886). Zereski's patent meets all the limitations for claims 67-77 recited in the claimed invention.

8. As to claim 67, Zereski, Jr. et al teach a method of providing weather-related information over a network (see abstract; and figure 2) comprising: receiving a single request from a consumer, the request identifies a specified category from among a plurality of categories and a specified geographical region from among a plurality of geographical regions; in response to receiving the request, retrieving weather related information corresponding to the specified category and the specified geographical region; and providing the weather related information to the consumer over the Internet (figures 5-7; column 2 lines 10-20 and 29-49; and column 7 line 54 to column 8 line 13).

9. As to claim 68, Zereski, Jr. et al teach that the single request further identifies a specified time from among a plurality of times and the retrieved weather related information corresponds to the specified category, the specified geographic region, and the specified time (figures 8-10; and column 8 line 14 to column 9 line 25).

10. As to claims 69-71, Zereski, Jr. et al teach that the plurality of categories comprises a plurality of activity categories, category for local content, and category for map content (figures 5-7; and column 7 line 54 to column 8 line 13).

11. As to claim 72, Zereski, Jr. et al teach that a default specified category is obtaining a local weather forecast (column 8 lines 5-63).
12. As to claims 73-75, Zereski, Jr. et al teach that the plurality of geographic regions are associated with a plurality of divisions of geographic specificity include world, continent, geo-political region, country, region, state, city, zip code, and metropolitan area (figures 5-10; and column 7 line 54 to column 9 line 25).
13. As to claim 76, Zereski, Jr. et al teach a method of providing weather-related information over a network (see abstract; and figure 2) comprising: providing weather related information to a consumer, the weather related information has a corresponding set of attributes comprising a geographic region, a time period, and a category (figures 8-10; and column 8 line 14 to column 9 line 25); receiving a request for contextually related information, the request comprises input from the consumer specifying a subset of attributes, the subset is less than all of the attributes of the first set of attributes (figures 5-7; column 2 lines 10-20 and 29-49; and column 7 line 54 to column 8 line 13); identifying contextually related information corresponding to a second set of attributes, the second set of attributes comprises the subset of attributes and one or more of the attributes corresponding to the weather-related information; and providing the contextually related information corresponding to the request (figures 5-10; and column 7 line 54 to column 9 line 25).

14. As to claim 77, Zereski, Jr. et al teach a method of providing weather-related information over a network (see abstract; and figure 2) comprising: providing a first web page of weather-related information for a geographic area, the weather-related information relates to a first category (figures 8-10; and column 8 line 14 to column 9 line 25); receiving a request for additional-weather related information, the request specifies only a second category different from the first category (figures 5-7; column 2 lines 10-20 and 29-49; and column 7 line 54 to column 8 line 13); retrieving the additional-weather related information using the second category and the geographic area associated with the first web page; and providing a second web page of the additional-weather related information corresponding the geographic area and the second category (figures 5-10; and column 7 line 54 to column 9 line 25).

#### **Response to Arguments**

15. Applicant's arguments with respect to new claims 67-77 filed on March 02, 2006 have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

16. Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

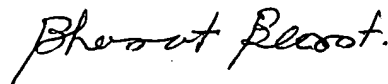
**Additional References**

17. The examiner as of general interest cites the following references.
- a. Zimmers et al, U.S. Patent No. 6,816,878.
  - b. Schwoegler, U.S. Patent No. 6,590,529.

**Contact Information**

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.



**BHARAT BAROT  
PRIMARY EXAMINER**

Patent Examiner Bharat Barot

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May 18, 2006